

ATTORNEY DOCKET NO.: 2002P01555WOUS

REMARKS

A petition to extend the time for response by one (1) month is enclosed herewith.

By the Amendment, Claims 10 and 19 are currently amended. A new independent claim 28 and a new dependent claim 29 depending from claim 28 have been added. Claims 10-29 are currently pending in the present application.

Applicants gratefully acknowledge the Examiner's allowance of Claims 16 and 18 and indication that Claims 25 and 27 include allowable subject matter. Rewriting of these claims is being held in abeyance pending the outcome of the present amendment.

The Applicant also gratefully acknowledges the Examiner's granting a personal interview with Applicant's representatives on April 9, 2008. There, discussion was had regarding changing the general term "indicating field" to a more descriptive term in the claims. Further, the location of member 13 with respect to the housing and door and the absence of insulation extended into this feature were discussed. It was indicated that amendments to the claims adding limitations directed to these features would require further search and consideration. The present amendment presents claims in accordance with the substance of the interview.

Claims 10-15 and 17 stand rejected under 35 USC §112, second paragraph, as being assertedly indefinite regarding whether or not the appliance and/or controls are to be positively claimed. Claim 10 has been amended to provide coverage for the door. Accordingly, the claims have been amended to change language giving rise to the assertion of indefiniteness and it is accordingly

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respectfully requested that the outstanding rejection under 35 USC §112, second paragraph be withdrawn.

Substantively, the claims stand rejected under the cited prior art of record. Specifically, Claims 10, 11, 13, 14, 17, 19, 20, 22, 23 and 26 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 2,750,901 to McClellan (McClellan '901). Claims 10, 11, 13, 14, 17, 19, 20, 22, 23 and 26 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 4,685,402 to Nelson et al. (Nelson '402). Claims 12, 15, 21 and 24 were rejected under 35 USC §103(a) as being unpatentable over Nelson '402 in view of US Patent No. 4,667,840 to Lindsay (Lindsay '840). Claims 12, 15, 21 and 24 were rejected under 35 USC §103(a) as being unpatentable over McClellan '901 in view of Lindsay '840.

Independent Claim 10 recites a door for a refrigerating appliance including an outer wall and an inner wall connected together along longitudinal edges. A first closure element is fastened to a transverse edge of the outer wall and a transverse edge of the inner wall. The first closure element together with the outer wall and the inner wall delimit an insulating intermediate space. The inner wall is constructed to be shorter in the longitudinal direction than the outer wall. The first closure element bridges the difference in length between the inner wall and the outer wall, such that when the door is in a closed position, the first closure element is configured for covering at least one of a control arrangement and a condition-indicating panel operatively associated with the refrigerating appliance.

Independent Claim 19 recites a refrigerating appliance including a door, with the refrigerating appliance including a body against which the door abuts. The door includes an outer wall and an inner wall connected together along longitudinal edges. A first closure element is fastened to a transverse edge of the outer wall and a transverse edge of the inner wall. The first closure element together with the

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outer wall and the inner wall delimit an insulating intermediate space. The inner wall is constructed to be shorter in the longitudinal direction than the outer wall. The first closure element bridges the difference in length between the inner wall and the outer wall forming a space between the body and the first closure element. Also included is at least one of a control arrangement and a condition-indicating panel mounted at the body at the height of the first closure element in the space.

McClellan '901 is directed to an insulated metal cabinet devoid of any control arrangement or indicator panel. As seen in the drawings, especially, Figure 2, McClellan '901 includes an insulated metal cabinet having a slideable drawer indicated at 40 for telescoping engagement therewith. The outer door of the drawer includes a stepped arrangement for nesting with a comparable stepped arrangement indicated at 34 in the cabinet. Any controls associated with the McClellan '901 cabinet exist on the outer face of the drawer 40 and include a dial 46 for operation of a lock and a handle 45 for manual operation of the drawer. In substantial contrast with the present invention, McClellan '901 does not disclose any refrigerating device having a door in any manner resembling the door of the present invention and a control panel or indicating panel covered by a first closure element portion of a door as claimed in Independent Claims 10 and 19.

Nelson '402 is directed to a fire-resistant cabinet for storing easily damaged electronic data storage materials and includes double outer insulated walls sealed with a single thickness door 17 as seen in Figure 5. The door is insulated as are the dual walls. As can be seen, the insulated door is fully engaged with the insulated walls such that there is no room for or suggestion of a control arrangement or indicating panel which could be covered by a first closure element as cited in Independent Claims 10 and 19 of the present application.

Lindsay '840 is directed to a fire-resistant, therefore insulated, electric junction box and is cited in the Official Action as back-up for Official Notice taken

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that plastic insulation is used in fire-resistant structures. Lindsay '840 suggests no application to a refrigerating appliance and further does not cure the deficiencies of either McClellan '901 or Nelson '402. Therefore, any combination of Lindsay '840, McClellan '901 or Nelson '402 would not result in the present invention. Further, there is no suggestion or motivation to combine Lindsay '840 with either McClellan '901 or Nelson '402. Therefore any such combination is improper.

For these and other reasons, neither McClellan '901 nor Nelson '402 disclose the subject matter defined by independent Claims 10 and 19. Therefore, Claims 10 and 19 are allowable. Claims 11, 13, 14 and 17 depend from Claim 10, while claims 20, 22, 23 and 26 depend from Claim 19 and are allowable for the same reasons and also because they recite additional patentable subject matter. Further, claim 17 replicates claim 18 (except for their respective dependencies) and therefore, since the Examiner has indicated that Claim 18 recites allowable subject matter, so must Claim 17 recite allowable subject matter.

For these and other reasons, Nelson '402 and Lindsay '840, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claims 12, 15, 21 and 24. Therefore, Claims 12, 15, 21 and 24 are allowable. Claims 12 and 15 depend from Claim 10, while Claims 21 and 24 depend from Claim 19 and are allowable for the same reasons.

For these and other reasons, McClellan '901 and Lindsay '840, either alone or in combination, do not teach or suggest the subject matter defined by dependent Claims 12, 15, 21 and 24. Therefore, Claims 12, 15, 21 and 24 are allowable. Claims 12 and 15 depend from Claim 10, while Claims 21 and 24 depend from Claim 19 and are allowable for the same reasons.

New independent Claim 28 recites a refrigerating appliance. The prior art, particularly McClellan '901 and Nelson '402 do not disclose a refrigerating

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appliance as recited in Claim 28. More specifically, the prior art does not disclose, among other things, a wall having insulation, the refrigerating appliance having an indicia bearing portion projecting from the wall, and the door overlying this indicia bearing portion in a closed position. Therefore, Applicants respectfully request allowance of independent Claim 28.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 10-29 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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May 16, 2008

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